



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

JLP:ddj  
Docket No: 5138-99  
30 November 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1780 PERS 604 of 1 November 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
**NAVY PERSONNEL COMMAND**  
**5720 INTEGRITY DRIVE**  
**MILLINGTON TN 38055-0000**

1780  
PERS-604  
01 NOV 1999

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO [REDACTED]

Ref: (a) CNPC memo 5420 PERS-00ZCB of 19 Oct 99  
(b) Title 38, United States Code, Chapter 32  
(c) Title 38, United States Code, Chapter 30

1. The following is provided in response to reference (a):

a. Eligibility for Federally Legislated Educational Benefit Programs is determined by the member's initial entry onto active duty. Per reference (b), the educational program available to Mr. Schutte when he entered active duty on 1 March 1984 was the Veterans' Educational Assistance Program (VEAP). Legislation closed VEAP to new enrollments on 30 June 1985; enrollment reopened for a 5-month "open period" between 28 October 1986 and 31 March 1987. Members who did not enroll before these deadlines lost their eligibility.

b. The Montgomery GI Bill (MGIB) Program is available for members who entered active duty for the first time after 30 June 1985. Reference (c) does not provide for conversion of VEAP eligibility to MGIB Program except for individuals separating from active duty under the Voluntary Separation Incentive, Special Separation Benefit, or certain involuntary separations.

c. A review of Mr. Schutte's record indicates he did not enroll in VEAP before the legislated deadlines and is not eligible for VEAP benefits. Also, since Mr. Schutte came onto active duty prior to 30 June 1985, he is not eligible for MGIB Program benefits. This office recommends denial of Mr. Schutte's request to enroll in VEAP or MGIB Program.

2. PERS-604's point of contact is EM1(SW) Thompson who can be reached at (DSN) 882-4262 or (C) 901-874-4262.

T. J. CEPAK  
Captain, U.S. Navy  
Director, Navy Drug & Alcohol  
Fitness, Education, and  
Partnerships Division (PERS-60)